S/1994/346

REPORT OF THE TRUSTEESHIP COUNCIL TO THE SECURITY COUNCIL ON THE TRUST TERRITORY OF THE PACIFIC ISLANDS (22 December 1992–18 January 1994

SIXTIETH SESSION: 12 MAY 1993–18 JANUARY 1994

SECURITY COUNCIL
OFFICIAL RECORDS

FORTY-EIGHTH YEAR
SPECIAL SUPPLEMENT No. 1

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SIXTIETH SESSION OF THE TRUSTEESHIP COUNCIL
12 MAY 1993-18 JANUARY 1994

PART I. ORGANIZATION AND ACTIVITIES OF THE TRUSTEESHIP COUNCIL

A. Introduction

1. On behalf of the Security Council, the Trusteeship Council discharges those functions of the United Nations under the International Trusteeship System that relate to the political, economic, social and educational advancement of the inhabitants of the Trust Territory of the Pacific Islands. In accordance with Article 86 of the Charter of the United Nations, the composition of the Trusteeship Council in 1993/94 at its sixtieth session was as follows:

United States of America (member administering a Trust Territory)

China

France

Russian Federation

United Kingdom of Great Britain and Northern Ireland

2. The Trusteeship Council held its sixtieth session from 12 May 1993 to 18 January 1994 (1698th-1703rd meetings). At its opening meeting, on 12 May 1993, 1/ the Council adopted without objection its provisional agenda contained in document T/1970.

3. At its 1700th meeting, on 14 May 1993, 2/ the Trusteeship Council decided, without objection, to add item 13 to its agenda contained in document T/1970/Add.1 concerning an invitation to the Trusteeship Council from the Administering Authority to observe the forthcoming referendum in Palau (see annex I to the present report).

4. At its 1702nd meeting, on 1 November 1993, 3/ the Trusteeship Council also decided, without objection, to add item 14 to its agenda contained in document T/1970/Add.2 concerning an invitation to the Council from the Administering Authority to observe the 9 November 1993 plebiscite in Palau on the Compact of Free Association (see annex I to the present report).

5. At its 1703rd meeting, on 18 January 1994, 4/ the Trusteeship Council further decided, without objection, to add item 15 to its agenda contained in document T/1970/Add.3 concerning the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, November 1993, contained in document T/1978 (see annex I to the present report).

6. At its opening meeting, the Trusteeship Council unanimously elected the following officers:

President: Mr. Thomas L. Richardson (United Kingdom);

Vice-President: Mr. Jean Félix-Paganon (France).

7. During the session, the Trusteeship Council heard statements by representatives of the Administering Authority and its special representatives and advisers, as well as other members of the Council (see part I, sect. C, of

the present report). It also heard statements by petitioners and considered written communications (see part I, sect. F).

8. At its 1701st meeting, on 17 May 1993, 5/ the Trusteeship Council adopted the report of its Drafting Committee on conditions in the Trust Territory of the Pacific Islands containing the Council's conclusions and recommendations (see part I, sect. K, and part II). 6/

9. At its 1703rd meeting, on 18 January 1994, 4/ the Trusteeship Council adopted the present report to the Security Council (see part I, sect. L).

B. Report of the Secretary-General on credentials

10. At its 1701st and 1703rd meetings, on 17 May 1993 and 18 January 1994, 7/ the Trusteeship Council considered, under item 2 of its agenda, the report of the Secretary-General on credentials. 8/

Decision

11. At those meetings, the Trusteeship Council decided, without objection, to take note of the report.

C. Examination of the annual report of the Administering Authority for the year ended 30 September 1992

12. At its 1698th to 1701st meetings, held from 12 to 17 May 1993, the Trusteeship Council examined, under item 4 of its agenda, the annual report of the Administering Authority on the Trust Territory of the Pacific Islands for the period from 1 October 1991 to 30 September 1992. 9/

Opening statements by representatives of the Administering Authority

13. The representative of the United States of America stated that among the significant developments since the Council's last session had been the approval by the people of Palau, in a referendum held on 4 November 1992, of an amendment to the Palau Constitution that reduced from 75 per cent to a simple majority the requirement for approval of the Compact of Free Association. 10/ The United States considered approval of that amendment an important development which demonstrated Palau's readiness to determine its future political status. The Palauan Congress had linked its approval of a plebiscite to a favourable United States response to requests for certain modifications and assurances related to the Compact. Those requests had been submitted to the United States on 25 March 1993 by the President of Palau.

14. At a meeting on 2 April 1993 between Mr. Kuniwo Nakamura, President of Palau, and the former United States Assistant Secretary of State, and in subsequent discussions, the United States had addressed those Palauan concerns. On 6 May 1993, a letter had been delivered from United States Secretary of State Warren M. Christopher to President Nakamura containing assurances concerning United States intentions with respect to the implementation of the Compact. The United States understood that President Nakamura had scheduled a legislative debate for May 1993 on the issue of a plebiscite to be held in July 1993. The representative of the United States invited the Council to send a visiting mission to observe that plebiscite.

15. The representative recalled that when the trusteeship was created in 1947, neither the Security Council nor the United States had intended that it would be indefinite. The United States had negotiated the Compact of Free Association in the belief that such an arrangement would be beneficial to Palau. It continued to want Palau to achieve sovereign statehood and it believed free association was the most practical and equitable manner in which to accomplish that goal. A substantial majority of Palauans also appeared to favour free association, as majorities ranging from 73 per cent to 60 per cent had supported the Compact in each of the seven plebiscites. Although the United States preferred free association, if Palau were to reject free association, independence was obviously a logical alternative. Whatever course the Palauan people chose, relations between Palau and the United States would continue to be friendly, cooperative and based on trust and respect.

16. The United States could not remain hostage to the past. Palau had embarked on a new initiative to resolve its status and the United States hoped that that effort would result in an end to the trusteeship. It considered that the time had come for Palau to take its rightful place in the community of nations and it trusted that the work of the Council contributed to that worthy goal. 1/

17. Mr. Allen Stayman, Acting Assistant Secretary of the United States Department of the Interior, Territorial and International Affairs and Special Adviser of the Administering Authority, stated that discussions during the session would be important for the future of Palau, the last remaining component of the Trust Territory. The Council's leadership and direction would assist Palau to achieve its aspirations for future political status. Since the Visiting Mission to Palau in March and April 1992, some major accomplishments had occurred, which were the result of hard work and commitment of the Administering Authority and the Republic of Palau. The Administering Authority supported Palau's initiatives on its future political status. In August 1992, Palau, through its own constitutional processes, had enacted legislation providing for a referendum to amend the Constitution of Palau to reduce the votes required to approve the Compact from 75 per cent to 50 per cent plus one. In the referendum on 4 November 1992, the amendment, certified by the Palau Election Commission, had been passed by a vote of 61.8 per cent. However, a lawsuit regarding the referendum would be heard in the Palauan courts at the end of May 1993.

18. The Special Adviser noted that, in April 1993, President Nakamura of Palau had expressed the hope that the long and sometimes difficult negotiations between the Government of Palau and the United States would soon culminate in the implementation of the Compact of Free Association. The United States remained committed to supporting those initiatives by the Palauan people and Government to determine their future political status. In the meantime, the Administering Authority would continue to fulfil its responsibilities in accordance with the Trusteeship Agreement. 11/

19. The United States Department of the Interior Secretary's Order No. 3142 and financial assistance remained the primary instruments through which the United States carried out its trusteeship responsibility to promote self-government and social, educational and economic development in Palau. Since the issuance of the Order in October 1990, budget execution and fiscal management by the national and State governments in Palau had improved significantly and the Government of Palau anticipated that all prior years' debts, which previously had hobbled efforts to promote self-government, would be eliminated by June or July 1993. Communication and coordination between the Trust Territory Office

and the political leaders of Palau had improved significantly, resulting in a general improvement in Government effectiveness.

20. The Special Adviser informed the Council that the Administering Authority had recently learned that, in accordance with an initiative contained in the Secretary's Order, the United Nations Development Programme (UNDP) had awarded the contract for the Palau National Master Development Plan, which would be financed by the United States Department of the Interior and UNDP. The contractor would soon begin the master planning process and the President of Palau had appointed the Master Plan Task Force to work with the master planner.

21. Additionally, and related to the Order, the interim Special Prosecutor's Office had undertaken several criminal cases. The prosecutor, an attorney lent from the United States Department of Justice, had successfully prosecuted those responsible for the assassination of Haruo Remelik, the first President of Palau.

22. The most significant accomplishment in health care had been the opening in December 1992 of the new, modern 80-bed Palau hospital with two operating rooms. Constructed with a grant of $25 million from the United States, the facility had greatly improved health care for the people of Palau.

23. In education, classrooms at Palau Public High School were being renovated, and six new classrooms were under construction at Meyungs elementary school. A four-classroom building had been designed and funded for the Harris elementary school. Categorical United States federal grants continued to provide in-service teacher training and curriculum development, while increases in the education budget were being used to purchase new books and instructional materials. In post-secondary education, the Micronesian Occupational College had become the Palau Community College, retaining only tenuous ties with the Community College of Micronesia.

24. In order to combat drug and alcohol abuse, the United States had provided $1.2 million over the past three years, which the Government of Palau had used to initiate an aggressive programme focusing on drug-awareness education, job training, community outreach programmes, drug rehabilitation and counselling, drug interdiction and law-enforcement training, and public-awareness programmes. As part of the public-awareness programmes, drug-free days had been observed in several communities. The Special Adviser considered that the level of attention and support given by the leaders in Palau to those anti-substance-abuse initiatives demonstrated the Palauan authorities' commitment to a drug-free society in Palau.

25. As noted by the Visiting Mission in March/April 1992, the continued growth in tourism and fisheries held greatest promise for economic development in Palau. In response to the growing tourist industry, renovation and additions to small hotels were in progress, with major additions to the Palau Pacific Resort and a hotel in Airai state. The fishing industry had also experienced steady growth. Domestic fish markets continued to provide for local consumption, with both onshore and offshore catches contributing to a growing export market. Records indicated a significant increase in the fish catch over previous years.

26. Improvement of capital infrastructure remained a priority. The United States had recently provided approximately $45 million for economic and social development projects in Palau, some of which were in the planning stages or under construction. Projects recently completed included the repair, renovation or construction of roads, rural water systems, sewage systems, electrical-power

distribution systems, schools, the Koror-Babelthuap bridge, the new hospital and the Koror jail. In addition, in 1993, the United States Department of Agriculture had approved a $39 million loan to rebuild and expand the telecommunications system throughout Palau.

27. The Special Adviser considered that the economy of Palau was healthy and held promise for substantial and sustained future growth. The national development plan would provide an important foundation for rational and comprehensive planning for economic expansion, while allowing Palauans to be masters of their own destiny. The United States had devoted considerable time and effort to land surveying, fisheries protection and environmental protection. In 1992, the United Nations Visiting Mission was made aware that the Palau Lands and Surveys Division had been hampered by a lack of equipment, manpower and funds to expedite land surveying in Palau, which was critical to economic development. During 1992/93, the United States Department of the Interior had provided $185,000 in technical assistance to Palau. Palau had hired professional surveyors, provided training and purchased modern satellite-positioning and computer systems and survey equipment. That project had significantly accelerated land-surveying in Palau, which was an important step towards the expeditious resolution of land and boundary disputes, and would therefore facilitate future economic development.

28. Marine surveillance remained a serious concern for the Palau Government and the Administering Authority. While no encroachments by foreign fishing vessels had been reported in Palauan waters during the past nine months, the Department of the Interior had offered to assist Palau in protecting its water boundaries by providing assistance to upgrade dry-docking facilities in Palau for repair of Palau's Government patrol boat, a former United States Coast Guard cutter. A captain and law-enforcement crew would be recruited so that routine surveillance of Palauan waters could begin in 1993.

29. Protection of the environment remained a mutual concern of the Governments of Palau and the United States. In April 1993, the Department of the Interior had organized a meeting of six United States environmental agencies with the Government of Palau to address environmental issues related to pioneering road construction on the island of Babelthuap. As a result, Palau was implementing a plan to prevent erosion and runoff into river and lagoon areas and to ensure that road construction would be consistent with the National Environmental Policy Act and responsive to Babelthuap's sensitive natural environment. The United States agencies involved would maintain contact with the Palauan Government to provide technical assistance and funding and to ensure that road construction on Babelthuap continues without environmental degradation.

30. The Administering Authority recognized the need to protect Palau's unique and fragile natural resources, which held the key to its economic development. It would continue to balance those often conflicting objectives of resource protection and economic development, and to meet its trusteeship responsibilities through a close and cooperative relationship with the Government of Palau.

31. The Special Adviser assured the Council of the Administering Authority's full support for, and cooperation with, the Trusteeship Council as it carried out its duties. 1/

32. The Honourable Tommy Remengesau, Vice-President of Palau and Special Representative of the Administering Authority, stated that the recently elected leaders in the executive branches of Palau and the United States were generally

in agreement on the need for Palau to resolve finally its status and for a healthy and positive relationship between both countries. Since 1993, Palau had felt a new sense of concern, understanding and open communication with the Administering Authority. It thought of the United States as Palau's strong ally and good friend rather than as an Administering Authority, and it believed that the United States regarded Palau the same way. It did not mean that they agreed on every issue, but there was a positive working relationship and a sense of trust and respect between the two countries.

33. The Special Representative noted that with the completion of its fourth national election, Palau had a stable and strong Government with well-established democratic institutions. Palau's economy was growing and its Government was financially sound. It had instituted new financial reforms, audits and controls and had tried to exercise prudence in expenditure. In 1992, Palau had balanced its budget with a small surplus. Local tax revenues were growing, collection had improved and in 1993 it expected to balance its budget again. The assistance of the United States continued to become a smaller part of Palau's total operating budget.

34. With United States assistance, Palau had also made progress in recent years in addressing some urgent needs. A new hospital provided quality basic medical services. Also, the Government had increased its compensation for teachers and other essential personnel so that Palau could retain its best people as teachers and run its Government. Palau had begun to build necessary access roads for its largest island, Babelthuap, and to improve infrastructure. Palau's budget request to the United States for 1994 had reflected those developments, with emphasis on education, health care and infrastructure. The operations budget request for fiscal year 1994 included a 3 per cent inflation adjustment over the previous year and the increased cost of operating Palau's new hospital. A new and major part of the operations budget was funding for the newly created Palau Community College (formerly the College of Micronesia), which had previously been funded by the Governments of the Federated States of Micronesia, the Marshall Islands and Palau with additional support from United States federal grants. The Governments of the Federated States of Micronesia and the Marshall Islands had withdrawn, however, and Palau had to bear the entire cost of the College. The Special Representative considered that the College was necessary to reverse the growing trend of imported labour and that it was the key to Palau's human resources development. Operating costs for the College would amount to $3.9 million and Palau had asked the United States for consideration in that regard as a matter of priority.

35. Palau supported the United States recommendation of capital expenditure of $1 million to repair the Koror-Babelthuap Bridge, and it had requested other capital expenditures amounting to $6.8 million to expand the sewage-treatment system, which required immediate attention. Other Capital Investment Project (CIP) requests included $3 million for rural water systems on Babelthuap, Urukdaob and the south-west islands, and $5.9 million for road repairs. Previously designated CIP funding grants were being implemented vigorously.

36. Palau was committed to resolving the debt controversy surrounding the International Power Systems Company, and had sought an out-of-court settlement based on a fair and equitable resolution. While Palau had not acted in bad faith and believed that it would prevail in any litigation, it preferred a settlement which covered the legitimate obligations of the parties and which would put an end to the matter. The Government of Palau would always recognize and honour its international financial obligations; it believed that Palau would be a highly creditworthy nation.

37. With its strong Government and economy, Palau looked forward to the future with great optimism, although much remained to be done to provide adequate education, health care and infrastructure to make its economy truly self-sustaining. Palau recognized the need to protect its fragile environment for present and future generations, and believed that protection of its waters, air and habitats would be part of strengthening its economy. To that end, Palau was most appreciative of the contribution by UNDP towards the development of the Palau National Master Plan, one of the highest priorities for Palau. The Plan would be implemented as expeditiously as possible while ensuring that it reflected environmental and economic needs. Similarly, Palau appreciated United States assistance in helping to protect its environment. Recently, the Government of Palau had worked with numerous United States agencies to ensure environmental protection during repair and construction of economically crucial roads. In that new spirit of cooperation, Palau looked forward to working with the Administering Authority in other areas to protect its environment, including patrolling its reefs to prevent their pollution, the poaching of fish and the destruction of reefs.

38. The Special Representative reported that both the executive and legislative branches of the Government of Palau were committed to making consideration of the Compact of Free Association 10/ a priority for 1993. After positive discussions between the two Governments, Palau had received significant new assurances relating to the Compact from United States Secretary of State Christopher. Based on those assurances, Palau's national legislature was being asked to call a plebiscite on the Compact on 27 July 1993 as proposed by the President of Palau.

39. In 1992, Palau had held a referendum to amend the Constitution to reduce the 75 per cent approval required to ratify the Compact. The referendum had resulted in a 61.8 per cent approval and the Compact would thus need a simple majority to pass. If approved, Palau hoped that the Compact could be implemented in the fiscal year 1994 and that the United Nations would promptly recognize the new nation and allow it to join the Organization. The Special Representative stated that Palau would welcome a United Nations presence and participation in observing the forthcoming plebiscite. 1/

Statements by members

40. At the 1700th meeting, on 14 May 1993, statements in the general debate were made by the representatives of the United Kingdom, France, the Russian Federation and China. 2/

41. The representative of the United Kingdom stated that his Government had consistently supported the efforts of the people of the Trust Territory of the Pacific Islands to achieve whatever form of political status met their wishes and their particular circumstances. It believed that the Trusteeship Council should give its full support to such efforts. As stated by the Administering Authority, neither the Security Council nor the United States had intended the trusteeship to be an indefinite status; it was clearly an anachronism in the final decade of the twentieth century. Therefore, his delegation had heard with interest the initiatives taken to resolve the question of political status by the Government of Palau since the last session of the Council.

42. The representative noted that Vice-President Tommy Remengesau, Jr. of Palau had informed the Trusteeship Council at its current session that the plebiscite had been scheduled for 27 July 1993, and that the Administering Authority had invited the Council to send a mission to observe it. In the view of his

delegation, the Council should accede to that request. He shared the concern expressed by the Russian Federation, however, concerning the lawsuit still outstanding on the referendum. He considered that it would be difficult for the Council to dispatch a mission to Palau if that issue was not resolved. His delegation welcomed the assurances of the Vice-President that it should be possible to resolve the issue before the plebiscite.

43. The United Kingdom delegation did not share the view suggested by some that the Compact of Free Association 10/ did not have the support of the people of Palau, and that the actions of both the Administering Authority and the Palau Government, in seeking to resolve the question of political status, ran counter to the principles of democracy. The Compact had been clearly favoured by the majority of Palauans in every plebiscite held to date. Support had varied but had never fallen below the respectable figure of 60 per cent. The representative pointed out that the Council's Visiting Mission to Palau in 1992 had concluded that most Palauans were eager to see the question of political status resolved as soon as possible.

44. Turning to conditions in Palau, the United Kingdom delegation recalled that, at the fifty-ninth session of the Council, a great deal of time had been devoted to discussion of the impact of the Department of the Interior Secretary's Order No. 3142. His delegation had said then that it believed that the Order was necessary for the Administering Authority to fulfil its obligations to the Territory. At the same time, it shared the hope of the Visiting Mission that the need for the Order or, at any rate, for its suspension provisions, would diminish over time. The United Kingdom was pleased to note that the Administering Authority had reported that it had not been necessary to invoke the suspension authority during the fiscal year 1992. It was also pleased to note that since the Order's entry into force, budget execution and fiscal management by both national and State Governments in Palau had improved significantly, and that by 1993 it anticipated the elimination of all previous years' debts. The fact that local revenues had increased from $12.5 million to over $15 million was also significant.

45. The United Kingdom was also pleased that UNDP had awarded the contract for the Palau National Master Plan, which will be financed jointly by UNDP and the Department of the Interior. His delegation had been concerned at the slow rate of progress on the Master Plan, on which so much depended; and it hoped that implementation of the Master Plan could be expedited. In that context the United Kingdom welcomed the statement of the Acting Assistant Secretary to the Council. His delegation had also noted with satisfaction the successful prosecution of those responsible for the assassination of the first President of Palau.

46. The United Kingdom representative considered the annual report of the Administering Authority a comprehensive document. He pointed out that tourism remained the most important source of income for Palau, with a continued increase of 6 per cent in 1993 over the previous year. Although the total numbers remained small, the Visiting Mission had noted that Palau's natural beauty gave it the potential to become a major tourist destination, and the Administering Authority had estimated that tourism might increase by 40 per cent over the next two years. The Government of Palau was clearly aware of the risk of environmental degradation caused by increased tourism and had taken some welcome initiatives through the Palau Visitors Authority. Further scope for action should derive from the Master Plan, which would include provisions for environmental impact assessments of economic activity in Palau.

47. The development of the fishing industry, Palau's second-largest source of income, had been the subject of much discussion in the Council over the years. The report of the Administering Authority contained many useful details about the fishing industry, the development of which the Visiting Mission had recommended should have high priority. The representative recalled that during the current session he had raised questions on the sustainability of fish stocks and enforcement of fishing regulations. He noted that the Administering Authority and the Government of Palau were also concerned about stock sustainability, and that action was under way to rehabilitate the former United States Coast Guard cutter for fisheries-patrol duties.

48. Work on infrastructure projects had proceeded satisfactorily. According to the report of the Administering Authority, there had been substantial progress on the improvement and extension of dirt roads in Babelthuap and further reductions in the number of people subjected to "water hours" service by the Palau Water Branch.

49. The opening of the new Palau hospital, funded by the United States, was a crucial development which would make a major contribution to improvement of health care for the people of Palau. His delegation noted with concern, however, that both the Visiting Mission and the Administering Authority had identified a shortage of qualified health-care personnel, in particular doctors, for which the need was critical.

50. While progress on the land issue remained slow, the United Kingdom welcomed the grant of $185,000 from the Administering Authority to expedite the registration of all land titles in Palau.

51. In his delegation's view, Palau had not yet corrected the balance between private and public-sector employment. The Administering Authority's report had noted that the number of civil-service employees has fallen by 47. However, 1,542 persons or nearly 10 per cent of the total population remained in civil-service employment.

52. In conclusion, the representative underlined the United Kingdom's commitment to assist the people of Palau to achieve the political status of their choice as soon as possible.

53. The representative of France noted that, in recent years, three of the four entities within the purview of the Council had chosen a new status in conformity with the will of the peoples. Currently, the Trusteeship System applied only to Palau. Previous speakers in the Council had spoken of the importance of that Territory putting an end to a situation that was no longer justified by the economic and political situation and that did not accord with the wishes of its inhabitants.

54. The French representative recalled that at the previous session of the Trusteeship Council, his delegation had fully endorsed the conclusion of the 1992 Visiting Mission to Palau that Palau's present status was no longer commensurate with the political, economic and social maturity the Territory had achieved. The 1992 report of the Administering Authority only served to confirm that conclusion. During the past year, the Territory had once again made significant progress. Investments had grown significantly. Tourism and, in particular, fisheries continued to develop. There were also significant improvements in education and health care, as reflected by the completion of the hospital at Koror. That all showed how obsolete trusteeship for Palau had become. It was thus essential that Palau rapidly adopt a new status in

conformity with the aspirations of its population, so it could continue its economic and social development on a stable institutional basis.

55. In that connection, on 4 November 1992 a long-awaited vote had been taken which should make it possible to overcome the institutional obstacles that had obstructed change in Palau. His delegation was hopeful that the referendum in July 1993 would make it possible to achieve a final solution for the Territory. It was not for the Council to dictate the future institutions of Palau; that prerogative lay within the sole competence of the population of Palau. None the less, should the Compact of Free Association not be adopted, his delegation would recommend that all alternative options should be examined.

56. As the Trusteeship Council awaited the end of the trusteeship for Palau, it was important that the Administering Authority continue to carry out its obligations. France again noted with satisfaction the assurances of the United States delegation on that matter.

57. The representative of the Russian Federation stated that under the Charter of the United Nations, the basic tasks of the Trusteeship System were to further international peace and security; and to promote the political, economic, social and educational advancement of the inhabitants of the Trust Territories, and their progressive development towards self-government or independence, as might be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned.

58. During the current session, the Trusteeship Council had the opportunity, although there was a time constraint, to consider in detail the report of the Administering Authority on the situation in the last Trust Territory of the Pacific Islands, Palau, and also to listen carefully to the statements of the representatives of the United States and of Palau and to those of petitioners.

59. During the meetings of the Trusteeship Council, specific questions had been asked in order to obtain as complete and as specific information as possible with respect to the political, economic and social situation in Palau, and on the measures taken by the Administering Authority to carry out its responsibility in accordance with the Trusteeship Agreement. 11/ His delegation believed that the exchange had promoted the development of a constructive dialogue and an objective and efficient consideration of the items on the current session's agenda. It had also helped to form a sufficiently complete picture of the implementation of the tasks under the Trusteeship Agreement.

60. The information presented and the discussions during the session had shown specific achievements in a number of areas relating to the economic, social and political development of the Territory over the last period and the assistance given to that process by the Administering Authority.

61. The Russian Federation was pleased to note the statement by the Acting Assistant Secretary of the Interior at the two previous meetings of the Trusteeship Council 12/ concerning efforts by the Administering Authority to work out as quickly as possible a general development plan for the Territory. In that connection, his delegation was pleased to note the statement concerning the speedy conclusion of a contract for the implementation of the Master Plan, and also the United States allocation of approximately $45 million to finance economic and social development projects for Palau.

62. At the same time, a great deal still remained to be done, inter alia, to overcome financial dependence, develop industry, create the appropriate

infrastructure and capital construction, increase electrification in the Territory, establish a social protection system and protect the originality of the local culture.

63. The representative of the Russian Federation noted that particular concern had been expressed during the current session concerning the problem of illegal fishing by foreign vessels in Palauan waters, as well as the land question and other problems. His delegation would not dwell on those questions specifically, since delegations had already addressed them in quite some detail during the current session, and those questions had also been raised in the report of the 1992 United Nations Visiting Mission to Palau. 13/ It was quite clear that the obligations of the Administering Authority under the Trusteeship Agreement and the Charter of the United Nations remained in force until the implementation by the population of Palau of its right to self-determination on the basis of the free manifestation of its will and the relevant Security Council decision.

64. One of the main problems facing Palau and its people was the future political status of the Territory. In that regard, his delegation had noted the intention of Palauan authorities to cooperate with the Administering Authority and accordingly to hold a referendum on the Compact of Free Association in July 1993 which should determine Palau's political status. Both the United Nations and the Administering Authority could no doubt be of assistance in ensuring that the trusteeship goals were carried out fully with respect to the last Trust Territory so that the people of Palau could exercise their inalienable right to self-determination and free choice, in accordance with the Charter, the Trusteeship Agreement and the Declaration on the Granting of Independence to Colonial Countries and Peoples. In that regard, the representative noted the assurances in the letter from the United States Secretary of State with respect to the implementation of some provisions of the Compact. He expressed the hope of his delegation that the participation of the United Nations Visiting Mission in observing the referendum would contribute significantly to the implementation by the people of the Territory of their right to self-determination.

65. He considered that United States assurances to members of the Security Council and the Trusteeship Council concerning all of Micronesia, including Palau, to the effect that the United States had no plan to establish military bases on that Territory, were important. Consistent implementation of the various aspects to those assurances would promote the general trend towards a lessening of foreign military presence and the development of all-round cooperation in the region.

66. The representative of the Russian Federation expressed the hope that that session of the Trusteeship Council would mark a turning-point in determining the future political status of the Territory on the basis of the free expression of the will of its people.

67. The representative of China stated that in recent days the Council had reviewed the 1992 annual report on Palau, Trust Territory of the Pacific Islands, prepared by the Administering Authority. It had listened to statements by Council members, representatives of the Administering Authority and Palau, and petitioners, which had provided the Council with first-hand information to understand better the situation in the Trust Territory.

68. Concerning the political status of Palau and based on both the written and oral presentations of the parties concerned, his delegation could see that over the past year, owing to the efforts of the people of Palau, progress in varying

degrees had been made in the Trust Territory in the political, economic, educational and social fields. At the same time, it had noted that the Trust Territory and the Administering Authority had conducted useful discussions on issues related to the political status and economic and cultural development of Palau. There were still some issues that needed to be dealt with urgently, however, according to the provisions of the Charter and the Trusteeship Agreement, and much work remained to be done by the Administering Authority. China was hopeful that the parties concerned would act in accordance with the Charter and the Trusteeship Agreement and adopt a practical and reasonable attitude to settle those questions properly through consultations, so as to promote the political, economic and social development of the Trust Territory.

69. Promoting world peace and security, enhancing the progress of the inhabitants of Trust Territories in the political, economic, social and educational fields, and helping Trust Territories gradually to develop towards autonomy and independence were the main tasks established by the Charter for the International Trusteeship System. Owing to the protracted and tireless efforts of the international community and the peoples of Trust Territories, a large number had terminated their trusteeship status and had become independent and equal members of the international community. Palau was the only Trust Territory still under the United Nations Trusteeship System, and the question of its political future remained to be resolved.

70. The Chinese Government had all along supported the demands and aspirations of the peoples of Trust Territories to achieve national self-determination and independence. It therefore held that it was the right of the people of Palau to choose their own political status in line with their national interests and to decide the political future of Palau. In that connection, China believed that the referendum planned for July 1993 would be a major event in the political life of the people of Palau; and that the Administering Authority should take practical and effective steps to fulfil its commitment to the Trust Territory and to meet the reasonable demands and legitimate aspirations of the people of the Trust Territory so as to create the conditions necessary for the people of Palau to exercise their full rights. China was hopeful that, through the joint endeavours of the international community, the people of Palau and the parties concerned, Palau would become, as other Trust Territories had done, an independent member of the international community at an early date.

Closing statements by representatives of the Administering Authority 7/

71. At the 1701st meeting, on 17 May 1993, 5/ the representative of the United States reaffirmed his Government's belief in the capability of Palau to take its place among the nations of the world. Palau had demonstrated its competence in the administrative, legislative and judicial functions of self-government. It had a sound economy, substantial resources and a significant potential for economic growth.

72. He reiterated in the strongest terms that both the Administering Authority and Palau were committed to the preservation of Palau's environment and culture. The Palau National Master Development Plan specifically provided that consideration be given to meeting those objectives. In that regard, the Administering Authority had met with UNDP during the current session to finalize arrangements for hiring the master planner.

73. The Administering Authority was pleased that the Council had recognized that budgetary and fiscal discipline over the past several years had

significantly enhanced self-government in Palau. With its improved financial condition, Palau was well positioned to enter into a new political status.

74. The Administering Authority welcomed the decision by the Trusteeship Council to send a mission to observe the plebiscite on Compact approval, and would provide an official escort for the mission if requested. It shared the view expressed by members of the Council and by petitioners that the plebiscite should not be held before the pending legal challenge to the November 1992 referendum was exhausted, and that a visiting mission should not be sent to Palau until there had been final adjudication of that legal challenge, to be heard on 27 May 1993, well before the scheduled plebiscite.

75. The Administering Authority also shared the view that it should await final adjudication of any pending legal challenges before bringing the Compact into effect. The Compact Implementation Act, enacted by the United States Congress in 1989, set the condition that entry into force of the Compact was based on Palauan approval through a referendum free from any legal challenge. Only after such litigation was exhausted would the United States notify the Trusteeship Council that the Compact had entered into force and that action to terminate the trusteeship was appropriate. The Administering Authority expressed the hope that it would be in a position to take such action at the meeting of the Council in December 1993.

76. With respect to a point raised by two petitioners on 13 May 1993 to modify the Compact in the light of changes in the world situation, the United States representative stated that Palauan leaders as well as the United States Executive Branch had been sensitive to the fact that, given the current budgetary situation in the United States and Palau's decreased strategic importance in the post-cold-war era, it was possible that reopening the Compact before its entry into force could result in changes by Congress to the Compact which would be unfavourable to Palau. As an alternative to reopening the Compact, the United States had tried to address Palauan concerns through the assurances contained in Secretary of State Christopher's recent letter. President Nakamura of Palau, in his message to the Palauan Congress, had stated his belief that the Compact, read together with the Guam Accords and Secretary Christopher's assurances, was "fair and equitable". Next, the Palauan Congress and then the Palauan people would decide if free association was the route they wanted to take to resolve Palau's status. Ultimately, it was for the people of Palau to decide whether the Compact or another relationship, such as independence, best suited their needs.

77. The Administering Authority shared the sentiment of the French delegation that the political and economic maturity of Palau had outlived its trusteeship status. Recent events had filled the Administering Authority with optimism that, after some 46 years, the important work of the Trusteeship Council would finally conclude with the termination of the last trusteeship and the emergence of a new member of the community of nations. Until that time, the Administering Authority reaffirmed its commitment to fulfil its responsibilities under the Charter and the Trusteeship Agreement. Thenceforth, it looked forward to continuing its friendly, cooperative relations with Palau based on trust and respect.

78. Mr. Victorio Uherbelau, Special Representative Adviser to the Administering Authority, delivered the closing statement on 17 May 1993 5/ on behalf of the Vice-President of Palau. With respect to maritime surveillance and law enforcement, as reported by the Administering Authority's Special Adviser, the Administering Authority had approved Palau's request for $100,000 in technical

assistance, to be matched with the same amount from local revenues, for reactivating the decommissioned United States Coast Guard cutter to patrol Palauan waters against poaching. That vessel had ceased operations less than a year after acquisition because of insufficient funds for maintenance and operation.

79. After taking office in January 1993, President Nakamura had established the Division of Marine Law Enforcement to step up efforts in that vitally needed government responsibility. During the fourth Olbiil Era Kelulau (OEK) session in July 1993, comprehensive maritime legislation would be introduced which would provide sufficient funding to the Palau Maritime Authority to recruit marine biologists, tuna fisheries experts and qualified surveillance and enforcement support staff to carry out fishery and maritime functions more effectively. In cooperation with the Ministry of Justice and States members of the Forum Fisheries Agency (FFA), the Authority would be better equipped to supervise, monitor and coordinate surveillance and maritime law enforcement to protect Palau's maritime resources in its 200-mile exclusive economic zone.

80. The Special Representative Adviser further reported that Palau had become a signatory to the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region, which had been approved by Palau's House of Delegates in February 1993 and was still under consideration by its Senate. Although the Administering Authority had objected in March 1993 to Palau ratifying the agreement, in early May 1993 it had reconsidered its position and Palau was able to participate in the activities of the Niue surveillance treaty provided it consulted and coordinated its undertakings with the Administering Authority. While Palau welcomed that relaxation of United States policy, it nevertheless looked forward to a change in its political status which it expected would allow it to have a free hand in the conduct of its foreign affairs.

81. As a full member of FFA, Palau had certain membership obligations, including a commitment to cooperate in all Pacific regional initiatives on maritime surveillance and law enforcement. Palau had participated fully in the fifth annual consultations with the United States on the FFA Multilateral Treaty on Fisheries in Fiji in April 1993, which had resulted in a 10-year extension of the Treaty. Proposed amendments to the Treaty must be accepted or formally ratified unanimously by the United States and all 16 Pacific Island members, including Palau, before the end of May 1993 in order to ensure the access of Pacific Island members to the $18 million access fee negotiated under the extension and scheduled to become available after 15 June 1993. The Palau House of Delegates had also approved the amendments in mid-April 1993 and the Palau Senate was expected to ratify the Treaty amendments at its special session on 20 May 1993.

82. Furthermore, the eight Parties to the Nauru Agreement, including Palau, had all signed the Western Pacific Management Arrangement on Purse Seine Fishing. That agreement, as reported in 1992, had established quotas on the number of licences available to pursue seine fleets of each of the distant-water-fishing nations actively operating in the fisheries zones of the Federated States of Micronesia, Kiribati, the Republic of the Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu. Renamed the "Palau Arrangement" at the 23rd meeting of the Forum Fisheries Committee, held in Palau in May 1993, the agreement was a management measure to stop expansion of purse seine fishing in Palau's subregion of the Pacific Ocean.

83. Another maritime-surveillance-related initiative was the anticipated commencement of bilateral discussions between Palau and Australia for construction of a modern patrol vessel under Australia's Maritime Assistance Programme to Pacific Island Countries.

84. Palau would be hosting the FFA Ninth Surveillance Officers Workshop, scheduled for March 1994, which would enable its surveillance and marine law enforcement staff to upgrade skills and efficiency.

85. The Special Representative expressed the hope that the above information had reassured the Russian Federation and the United Kingdom that the Administering Authority and Palau, working in close cooperation with Pacific island neighbours, were indeed taking appropriate management measures to ensure sustainability of fish stocks, especially tuna, and protection of marine resources from overexploitation or indiscriminate harvesting by distant nations.

86. Turning to Palau's future political status, the Special Representative noted that Vice-President Remengesau of Palau had advised the Council of the significant assurances on implementation of the Compact signed by the United States Secretary of State. The President of Palau had forwarded those assurances to the leaders of the Olbiil Era Kelulau (OEK), to all 16 State governors, to the traditional leaders and to his cabinet ministers. On 12 May 1993, the President had submitted to OEK a report on the history of Palau's status negotiations and his analysis of the assurances.

87. The President also had called upon OEK to convene a special session on 20 May 1993 to consider a draft resolution on the eighth Compact plebiscite and a legislative proposal on Compact implementation. Before a date was designated for the eighth plebiscite on the Compact, the draft resolution and the proposed bill would require two conditions to be met, namely, certification of the passage of the constitutional amendment by a simple majority of the popular vote and by no less than three quarters of the 16 State governments; and a favourable response from the United States on the proposed modifications of the Compact.

88. Noting that both conditions had been met, the Special Representative stated that on 14 November 1992, the Palau Election Commission had officially certified passage of the constitutional amendment. A lawsuit challenging the validity of such approval, currently pending on appeal before the Palau Supreme Court, was scheduled to be heard on 27 May 1993 and would be disposed of by the end of May. Final adjudication of the case would remove the only legal impediment to the plebiscite. The Government of Palau was confident that the court would rule in favour of certification. The United States Secretary of State's assurances constituted fulfilment of the second condition before holding the eighth Compact plebiscite.

89. The Special Representative stated that with both contingencies having been met, President Nakamura of Palau had introduced legislation for appropriation of $200,000 to defray costs of the eighth Compact plebiscite and also to mandate the Palau Election Commission to certify the results of the plebiscite within 10 days of the vote. That legislation would also set a 45-day period from the date of the certification by the Election Commission as the time-limit for filing legal challenges to the plebiscite. A five-member transition commission would be established within 10 days of certification of Compact approval, charged with ensuring that all actions required for Compact implementation were fulfilled. The legislation would also require the President to use his best efforts to ensure that the approved Compact of Free Association 10/ entered into

force on 1 October 1993, or on a date as might be agreed upon with the United States in accordance with section 411 of the Compact.

90. The Special Representative considered that Palau and its people were well on their way to ratifying the Compact by simple majority vote and were on the threshold of a new political relationship with their soon-to-be former mentor, the United States. It behoved the Council, therefore, to dispatch yet another observer mission, as it had on similar occasions in the past, to witness the balloting and to attest to the exercise by Palauans of their inalienable right to self-determination. He expected that the United States and Palau would soon be making their final appearance before the Council to celebrate the end of trusteeship. Some time thereafter, Palau would solicit the unanimous support of the Chinese, French, Russian Federation, United Kingdom and United States delegations on the Security Council to terminate formally the Trusteeship Agreement for the strategic Trust Territory of the Pacific Islands, which for the past seven years had consisted only of Palau. When the time was appropriate, Palau would apply for membership of the United Nations and take its rightful place in the world community of nations.

D. Consideration of requests for the dispatch of a visiting mission to Palau to observe a plebiscite on the Compact of Free Association

1. Letter dated 13 May 1993 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the President of the Trusteeship Council, 14/ informing the Council of the intention of the Government of Palau to hold a plebiscite regarding the Compact of Free Association and inviting the Trusteeship Council to consider the dispatch of a mission to observe this plebiscite

91. At the 1701st meeting, on 17 May 1993, 5/ the President drew the attention of the Trusteeship Council to an invitation by the Permanent Representative of the United States to the Council to send a visiting mission to Palau to observe a plebiscite on the Compact of Free Association, 10/ as well as to draft resolution T/L.1286 on the item and to document T/L.1287 containing the financial implications of the draft resolution.

92. At the same meeting, the representative of France introduced draft resolution T/L.1286 concerning the dispatch of a visiting mission to observe the forthcoming plebiscite in Palau. He stated that the Drafting Committee set up by the Trusteeship Council at its 1700th meeting on 14 May 1993 had considered the draft resolution, which had the support of China, France, the Russian Federation and the United Kingdom.

93. By that draft resolution, the Trusteeship Council would decide to send to Palau a visiting mission to observe the plebiscite that should be composed of China, France, the Russian Federation and the United Kingdom and two representatives of countries of the region that were not members of the Council. The Council directed the Visiting Mission to observe the plebiscite, specifically the polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results; and requested the Mission to submit a report as soon as practicable to the Council on its observations of the plebiscite, containing conclusions and recommendations it might wish to make.

Decision

94. At its 1701st meeting, on 17 May 1993, 5/ the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of reports and draft resolutions should be circulated to members 24 hours in advance of the meeting at which they are to be considered.

95. At the same meeting, the Trusteeship Council considered and adopted draft resolution T/L.1286 without a vote, as resolution 2196 (LX) (see para. 93). The Council also decided that the nominations of the representatives from the region would be approved automatically when received. Subsequently, the Marshall Islands and Samoa were designated as the two representatives from the region on the Visiting Mission.

96. At the same meeting and following a statement by its President, the Trusteeship Council decided that the Visiting Mission to Palau to observe the forthcoming plebiscite would be dispatched on the understanding that the pending legal challenge relating to the plebiscite had been adjudicated definitively beforehand.

2. Letter dated 9 September 1993 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the President of the Trusteeship Council, 15/ informing the Council that President Nakamura of Palau had issued Executive Order 124, dated 6 August 1993, which decreed that the Government of Palau would hold a plebiscite regarding the Compact of Free Association on 9 November 1993, and inviting the Council to send a mission to observe this plebiscite

97. At the 1702nd meeting, on 1 November 1993, 3/ the President stated that the meeting had been convened to consider a letter from the Deputy Permanent Representative of the United States, 15/ informing the Trusteeship Council that President Nakamura of Palau had issued Executive Order No. 124, dated 6 August 1993, which decreed that the Government of Palau would hold a plebiscite on 9 November 1993 regarding the Compact of Free Association. 10/ In that letter the Deputy Permanent Representative, referring to Council resolution 2196 (LX) of 17 May 1993 and to his previous letter of 13 May 1993, 14/ had stated that the United States Government invited the Council to send a mission to observe that plebiscite.

98. The President also referred to the previous letter addressed to him by the Deputy Permanent Representative of the United States to the United Nations 14/ concerning the invitation extended by the United States Government to the Council to send a mission to observe the plebiscite.

99. The President drew the attention of members to a letter dated 11 October 1993 from the Deputy Permanent Representative of the United States to the United Nations addressed to the President of the Trusteeship Council. 16/ That letter transmitted a letter dated 5 October 1993 from Mr. Kuniwo Nakamura, President of Palau, to the Deputy Assistant Secretary of the United States Department of State, Mr. Kenneth Quinn. By that letter, the President of Palau, inter alia, strongly supported the United States request for the Trusteeship Council to dispatch a mission to Palau to observe the plebiscite of 9 November 1993 on the Compact of Free Association.

100. Also at its 1702nd meeting, the Trusteeship Council decided, without a vote, to accede to the request of the delegations of the Marshall Islands and of Samoa to sit at the Council table during that meeting in accordance with rule 12 of the rules of procedure of the Trusteeship Council.

101. At the same meeting, the representative of the United States read to the Trusteeship Council a letter dated 29 October 1993 from the President of Palau to the United States Government in which the President advised that the Appellate Division of Palau's Supreme Court had reaffirmed the Trial Court's decisions of October 1992 and July 1993. In the October decision, the Court had held that the amendment by popular initiative had been appropriately brought, and in the July decision the Court had held that the voters were neither confused nor misled by the ballot language of the constitutional amendment initiative and that they had been adequately informed of the substance of the amendment. The representative further reiterated that both the Governments of Palau and the United States looked forward to welcoming the Trusteeship Council Mission to observe the plebiscite of 9 November 1993 on the Compact of Free Association in Palau.

102. At the same meeting, the President drew the attention of the Trusteeship Council to draft resolution T/L.1288, which, with the exception of the date of the plebiscite and the names of the two members from the South Pacific region, was similar to resolution 2196 (LX). He further noted that the draft resolution was sponsored by China, France, the Russian Federation and the United Kingdom. In that connection, he also drew the Council's attention to document T/L.1289 relating to the financial implications of the draft resolution before the Council.

Decision

103. At its 1702nd meeting, on 1 November 1993, 3/ the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of reports and draft resolutions should be circulated to members 24 hours in advance of the meeting at which they are to be considered.

104. At the same meeting, the Trusteeship Council considered and adopted draft resolution T/L.1288 without a vote, as resolution 2197 (LX). (For further details see para. 102.) In accordance with paragraph 2 of the same resolution, the Council also decided that the nominations of persons to be submitted by the Governments of China, France, the Russian Federation, the United Kingdom, the Marshall Islands and Samoa would be approved automatically when received. Subsequently, the Marshall Islands and Samoa were designated as the two representatives from the region to participate in the Visiting Mission.

E. Report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, November 1993

105. At its 1703rd meeting, on 18 January 1994, 4/ the Trusteeship Council considered, under item 15 of its agenda, the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, November 1993. 17/

106. At the same meeting, the Trusteeship Council decided, without a vote, to accede to the request of the delegations of the Marshall Islands and of Samoa to

sit at the Council table during that meeting in accordance with rule 12 of the rules of procedure of the Trusteeship Council.

107. In introducing the report and a related draft resolution contained in document T/L.1290, the representative of France, on benalf of the Chairman of the Visiting Mission, Mr. Alain Pallu de Beaupuy, stated that the Mission had visited Palau from 5 to 12 November 1993. On its arrival, the Chairman had broadcast a statement to the people outlining the Mission's mandate and the role it intended to play. With the assistance of the local authorities, it had held 10 public meetings in various locations throughout Palau and had also made itself available to individuals or groups that wished to meet it.

108. The French representative also stated that the Mission had noted that, in general, the great majority of Palauans, because of what they had learned from previous referendums, were fully aware of what was at stake in the 9 November plebiscite. The Mission had been able to observe the campaign, which, overall, seemed quite low-key. On voting day, the Mission had separated into several teams in order to observe the voting process in 34 of the 36 polling stations. It had found satisfactory the practical arrangements for organizing the poll, counting the votes and announcing the results, according to which 68.26 per cent of the people had voted "Yes". On the basis of what it was able to observe, the Mission had drawn up the report before the Council.

109. The representative of the Administering Authority expressed the appreciation of his Government to the members of the Visiting Mission who had observed the eighth and final referendum on the Compact of Free Association between Palau and the United States. He considered that the referendum results, endorsed by Mission members in the report under consideration, were a very important step for the people of Palau on their way towards political self-determination.

110. The representative stated that the people of Palau had spoken with a clear voice about the future and had determined through democratic means that they wished Palau to enter into free association with the United States. The Government of the United States and the Government of Palau intended to implement the Compact of Free Association as quickly as practical, and planning for the smooth transition to Palau's new status was well under way.

111. The representative of the Administering Authority further stated that the filing of two complaints in Palauan courts challenging ratification of the Compact might cause some delay. The Palauan Administration was confident, however, that those complaints would not become an obstacle to implementation. At any rate, the United States expected Palau's transition to be either completed or nearly so by the end of 1994.

112. The representative of Samoa, on behalf of his own country and the Marshall Islands, which had served on the Visiting Mission, noted that the Mission had reported in favourable terms and with unanimity on its observations on the plebiscite regarding the Compact of Free Association. The Mission was satisfied with the arrangements for the poll and was able to conclude that the plebiscite had been conducted in a free and fair manner. Both the Marshall Islands and Samoan delegations endorsed in every respect the French representative's introduction of the Mission's report. The report was not only evidence of the Mission's undertaking but testimony to the high measure of professional cooperation and personal goodwill that existed at all times among the members of the Mission.

113. The representative of the Russian Federation noted that his delegation had been a member of the Visiting Mission. He expressed particular appreciation to the Government of Palau, which had facilitated the successful fulfilment of the Mission's task, and expressed the hope that the results of the 9 November plebiscite would lay the bases for ending the Trusteeship System in the last of the Trust Territories of the United Nations.

Decision

114. At its 1703rd meeting, on 18 January 1994, the Trusteeship Council adopted draft resolution T/L.1290 as resolution 2198 (LX) without a vote. In its resolution, the Council took note of the report of the Visiting Mission and expressed its appreciation for the work accomplished by the Mission on its behalf.

F. Petitions

Oral hearings

115. At its 1699th meeting, on 13 May 1993, 18/ the Trusteeship Council heard two petitioners under item 5 of its agenda.

Written communications and petitions

116. At its 1699th meeting, on 13 May 1993, the Trusteeship Council considered two communications. The list of the communications together with an indication of their contents is contained in document T/INF/41.

117. At its 1702nd meeting, on 1 November 1993, 3/ the Trusteeship Council also considered two communications contained in documents T/INF/41/A/COM.7 and 8* and one written petition* relating to agenda item 14.

Decisions

118. At its 1699th meeting, on 13 May 1993, 18/ the Trusteeship Council decided, without objection, to take note of both written communications summarized in document T/INF/41. The Council further decided at its 1702nd meeting, on 1 November 1993, to take note of both communications contained in documents T/INF/41/A/COM.7 and 8 relating to agenda item 14, as well as of the written petition.

G. Offers by Member States of study and training facilities for inhabitants of Trust Territories

119. At its 1699th meeting, on 13 May 1993, 18/ the Trusteeship Council considered, under item 6 of its agenda, the report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Trust Territories covering the period from 16 May 1992 to 7 May 1993. 19/

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* Copies of the communications and petition have been placed in the files of the Secretariat and are available to the members of the Council for consultation.

Decision

120. At the same meeting, the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General. 19/

H. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories

121. At its 1699th meeting and 1700th meetings, on 13 and 14 May 1993, respectively, 20/ the Trusteeship Council considered, under item 7 of its agenda (see above), the report of the Secretary-General on the item, covering the period from 1 May 1992 to 30 April 1993. 21/

122. The representative of the Department of Public Information of the Secretariat introduced the report and drew the attention of members to some of the highlights of the report of the Secretary-General. During the period under review, the Department had been engaged in efforts of a twofold nature, namely, dissemination of information to the general public about the International Trusteeship System and about Palau; and dissemination of information directly to Palauans. The representative pointed out that the report also responded to some of the questions raised at the previous session of the Council.

123. The Department had disseminated as much information as possible on the work of the Trusteeship Council to the general public through press releases and other information materials, as well as through radio programmes and articles in United Nations publications, such as the UN Chronicle and the Yearbook of the United Nations. Information to Palauans was disseminated through the United Nations Information Centre in Tokyo. The annex to the report of the Secretary-General listed materials distributed to various individuals and organizations in Palau, including educational institutions, government organizations, individuals and radio stations. The Department was unable to ascertain if those materials had reached their intended recipients because there were no funds for a representative from the Tokyo Centre to visit the Territory and verify if information had been received and to elicit feedback. The same applied to information sent directly from United Nations Headquarters to Palau through cooperation between the Secretariat and the Administering Authority.

124. The Department had not received any feedback on a questionnaire it had sent regarding receipt of the materials and their impact. It was hopeful that with greater effort during the current year, it would receive some feedback on the questionnaire.

125. The representative of the United Kingdom stated that in paragraph 7 of the report of the Secretary-General, mention was made of the lack of funds for the Director of the Information Centre in Tokyo or any other representative of the Centre to visit the Trust Territory during the period under review. Noting that there had been a Visiting Mission to the Territory in 1992 and the possibility of another mission soon, he suggested that consideration should be given to having Trusteeship Council secretariat staff undertake some study, on behalf of the Department, on the usefulness and receipt of information sent by the Tokyo office.

126. The representative of the Russian Federation stated that, according to the report of the Secretary-General, the Department intended to intensify its dissemination of information on the United Nations in Palau. He inquired

whether the Department could be more specific with respect to intensification of its activities in that area. With regard to the lack of feedback, he inquired whether the Department had made an effort to contact members of the Palauan delegation who participated in Council meetings in order to learn the results, if any, of its activities on disseminating information in Palau.

127. The representative of the Department of Public Information stated that with respect to intensification of information activities, since 1992 the Department had tried, in cooperation with the Administering Authority, to check whether its list of recipients remained valid. As suggested by the representative of the United Kingdom, the Department would seize the opportunity of the next Mission to Palau to intensify cooperation and to check the accuracy of the lists to which it had been sending information materials and how much feedback could be expected. Through both these channels, the Department would try to find out the extent to which it could be more precise in addressing the question of feedback.

128. The President recalled that the Trusteeship Council had had to grapple with that problem on a number of occasions, particularly the problem of feedback, and the question of whether the materials sent to Palau corresponded to the sort of materials that Palauans actually wished to receive and which interested them. At a time of resource constraints, he saw no reason, in principle, why Secretariat staff accompanying a future mission should not, with guidance from the Department of Public Information, assist in that field and report back to the Department. He was very conscious that the question of information on the United Nations applied irrespective of Palau's current or future status and that the United Nations would continue to be active in disseminating information even if and when a new status emerged. For both those reasons, he suggested that the Department of the Secretariat consult informally on those suggestions.

Decision

129. At the 1700th meeting, on 14 May 1993, 2/ the President announced that following consultations between the secretariat of the Trusteeship Council and the Department of Public Information, the staff servicing the next visiting mission to the Territory would also carry out functions on behalf of the Department while in the Territory.

130. At the same meeting, the Trusteeship Council decided, without objection, to take note of the report of the Secretary-General contained in document T/1972. 21/

I. Cooperation with the Committee on the Elimination of Racial Discrimination

Second Decade to Combat Racism and Racial Discrimination

131. At its 1699th meeting, on 13 May 1993, 18/ the Trusteeship Council decided to consider jointly items 8 and 9 (see above) of its agenda.

Decision

132. At the same meeting, the Trusteeship Council decided, without objection, to conclude consideration of the two agenda items.

J. Attainment of self-government or independence by the Trust Territories and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Cooperation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

133. At its 1699th meeting, on 13 May 1993, 18/ the Trusteeship Council decided to consider jointly items 10 and 11 (see above) of its agenda.

Decision

134. At its 1701st meeting, on 17 May 1993, 5/ the Trusteeship Council decided, without objection, to draw the attention of the Security Council to the conclusions and recommendations adopted by the Trusteeship Council at its sixtieth session concerning the attainment, in accordance with the relevant provisions of the Charter and in particular Article 83, of self-government or independence by the Trust Territory.

K. Report of the Drafting Committee

135. At its 1700th meeting, on 14 May 1993, 2/ the Trusteeship Council decided, without objection, to appoint a Drafting Committee composed of the representatives of China, France, the Russian Federation and the United Kingdom to prepare draft conclusions and recommendations for inclusion in the Council's report to the Security Council, based on the discussions that had taken place in the Trusteeship Council at its sixtieth session.

136. The Trusteeship Council considered the report of the Drafting Committee at its 1701st meeting, on 17 May 1993. 5/ At that meeting, the representative of France, on behalf of the Drafting Committee, introduced the report contained in document T/L.1285.

Decisions

137. At its 1701st meeting, on 17 May 1993, 5/ the Trusteeship Council decided, without objection, to waive rule 57 of its rules of procedure, which specifies that copies of reports and draft resolutions should be circulated to the members 24 hours in advance of the meeting at which they are to be considered.

138. At the same meeting, the Trusteeship Council adopted, without a vote, the draft conclusions and recommendations contained in the annex to the report of the Drafting Committee. The Council further decided that the conclusions and recommendations would constitute part II of its report on its sixtieth session to the Security Council.

L. Adoption of the report of the Trusteeship Council to the Security Council

139. At its 1703rd meeting, on 18 January 1994, 4/ the Trusteeship Council considered the report of its sixtieth session to the Security Council.

140. At the same meeting, the Trusteeship Council adopted, without a vote, the present report as a whole.

PART II. CONCLUSIONS AND RECOMMENDATIONS

141. At its 1701st meeting, on 17 May 1993, 5/ the Trusteeship Council adopted, without a vote, the following draft conclusions and recommendations (see also part I, sect. K):

"A. Political advancement

"1. The Trusteeship Council takes note of the adoption on 22 December 1990, by the Security Council, as proposed by all members of the Trusteeship Council, of resolution 683 (1990), in which the Security Council expressed its hope that the people of Palau would be able in due course to complete the process of freely exercising their right to self-determination.

"2. The Trusteeship Council notes the statement by the Vice-President of Palau on 12 May (T/PV.1698) that the leadership of Palau desires an end to the trusteeship at an early date and, to that end, has decided to hold a plebiscite scheduled for 27 July 1993 in Palau on the Compact of Free Association with the United States of America. 10/

"3. The Trusteeship Council expresses the hope that the people of Palau will thus be able to complete the process of exercising freely their right to self-determination, and that it will be possible to terminate the Trusteeship Agreement 11/ in the very near future.

"4. The Trusteeship Council, having been invited by the Administering Authority, decides to dispatch a mission to observe the plebiscite and requests the Mission to submit on its return a report containing such conclusions and recommendations as it may wish to make.

"B. Economic, social and educational advancement

"5. The Trusteeship Council notes that the people of the Trust Territory, in the exercise of their right to self-government as set out in Article 76 b of the Charter of the United Nations, have elected to assume full responsibility for administration in the economic, social and educational fields.

"6. The Trusteeship Council notes with satisfaction the recent improvements reported in the economic, social and educational fields, including public health, tourism and fisheries. It expresses the hope that further progress will continue to be made in these and other fields. In particular it draws attention to the continuing requirement for qualified health-care personnel, an effective marine enforcement programme, preservation of the environment, and for the expeditious resolution of land issues.

"7. The Trusteeship Council expresses the hope that the Administering Authority will continue to do what it can to assist the people of the Territory to attain greater economic self-sufficiency through responsible economic development. In this context, the Trusteeship Council welcomes the progress made by the Administering Authority, the United Nations Development Programme and the Government of Palau towards the National

Master Development Plan, which will provide a framework for the future economic development, and enhanced economic self-sufficiency, of Palau.

"C. General

"8. The Trusteeship Council notes with satisfaction the assurances given by the Administering Authority that it will continue to fulfil its responsibilities under the Charter of the United Nations and under the Trusteeship Agreement.

"9. The Trusteeship Council takes note of the statement by the Administering Authority in its current annual report, that it continues to have no plans to establish military bases in Palau."

Notes

1/ See T/PV.1698.

2/ See T/PV.1700.

3/ See T/PV.1702.

4/ See T/PV.1703.

5/ See T/PV.1701.

6/ T/L.1285.

7/ See T/PV.1701 and 1703.

8/ T/1973/Rev.1.

9/ 1991 Trust Territory of the Pacific Islands, October 1, 1991 to September 30, 1992, forty-fifth annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands. Transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of State publication No. 10053). Copies were transmitted to members of the Trusteeship Council by document T/1969 and to members of the Security Council by document S/25633.

10/ The Compact of Free Association between Palau and the United States is described in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1983 (Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851)). Amendments to the Compact, agreed to in January 1986, are contained in the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1986 (ibid., Fifty-third Session, Supplement No. 2 (T/1885)).

11/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

12/ See T/PV.1698 and 1699.

13/ For the report of the United Nations Visiting Mission to Palau, Trust Territory of the Pacific Islands, 1992, see Official Records of the Trusteeship Council, Fifty-ninth Session, Supplement No. 1 (T/1964).

14/ Official Records of the Trusteeship Council, Sixtieth Session, Sessional Fascicle, annexes, document T/1974.

15/ Ibid., T/1975.

16/ Ibid., T/1976.

17/ For the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, November 1993, see Official Records of the Trusteeship Council, Sixtieth Session, Supplement No. 1 (T/1978).

18/ See T/PV.1699.

19/ Official Records of the Trusteeship Council, Sixtieth Session, Sessional Fascicle, annexes, document T/1971.

20/ See T/PV.1699 and 1700.

21/ Official Records of the Trusteeship Council, Sixtieth Session, Sessional Fascicle, annexes, document T/1972.

ANNEX I

Agenda of the sixtieth session, adopted by the Trusteeship Council at its 1698th, 1700th, 1702nd and 1703rd meetings, on 12 May, 14 May and 1 November 1993, and 18 January 1994

1. Adoption of the Agenda.

2. Report of the Secretary-General on credentials.

3. Election of the President and the Vice-President.

4. Examination of the annual report of the Administering Authority for the year ended 30 September 1992: Trust Territory of the Pacific Islands.

5. Examination of petitions. a/

6. Offers by Member States of study and training facilities for inhabitants of Trust Territories: report of the Secretary-General (General Assembly resolutions 557 (VI) and 753 (VIII)).

7. Dissemination of information on the United Nations and the International Trusteeship System in Trust Territories: report of the Secretary-General (Trusteeship Council resolution 36 (III) and General Assembly resolution 754 (VIII)).

8. Cooperation with the Committee on the Elimination of Racial Discrimination (General Assembly resolutions 2106 B (XX) and 47/79).

9. Second Decade to Combat Racism and Racial Discrimination (General Assembly resolutions 3057 (XXVIII) and 47/77).

10. Attainment of self-government or independence by the Trust Territories (Trusteeship Council resolution 1369 (XVII) and General Assembly resolution 1413 (XIV)) and the situation in Trust Territories with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolutions 1514 (XV) and 47/23).

11. Cooperation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1654 (XVI)).

12. Adoption of the report of the Trusteeship Council to the Security Council (Security Council resolution 70 (1949)).

13. Letter dated 13 May 1993 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the President of the Trusteeship Council (T/1974), informing the Council of the intention of the Government of Palau to hold a plebiscite regarding the Compact of Free Association and inviting the Trusteeship Council to consider the dispatch of a mission to observe this plebiscite.

14. Letter dated 9 September 1993 from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the President of the Trusteeship Council (T/1975), informing the Council of the

intention of the Government of Palau to hold a plebiscite regarding the Compact of Free Association and inviting the Trusteeship Council to consider the dispatch of a mission to observe this plebiscite.

15. Report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, November 1993 (T/1978).

Notes

a/ See T/INF/41. To be incorporated in Official Records of the Trusteeship Council, Sixtieth Session, Sessional Fascicle.

ANNEX II

Map of Palau, Trust Territory of the Pacific Islands

MAP NO. 3065.1 Rev. 2 UNITED NATIONS
JANUARY 1992

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